

### **REMARKS**

This Amendment responds to the Office Action mailed July 20, 2007. Claims 1-57 remain pending in the application prior to this amendment and are canceled in favor of new claims 58-72.

### **Election For Examination On The Merits**

The Office Action indicates that the application contains claims directed to patentably distinct species as follows:

Species 1 shown in FIGS. 14a-14b

Species 2 shown in FIGS. 21a-14b

Species 3 shown in FIG. 30

The Office Action further indicates that the application contains claims directed to patentably distinct subspecies as follows:

Species 4 shown in FIG. 13a

Species 5 shown in FIG. 13b

Species 6 shown in FIG. 13c

The Office Action further indicates that the application contains claims directed to further patentably distinct subspecies as follows:

Species 7 shown in FIG. 3

Species 8 shown in FIG. 16a

Species 9 shown in FIG. 17a

Species 10 shown in FIG. 18a

Species 11 shown in FIGS. 18b

Species 12 shown in FIG. 19

Species 13 shown in FIGS. 20a-20d

Species 14 shown in FIGS. 24a-24b

Species 15 shown in FIG. 25

Species 16 shown in FIG. 27

Species 17 shown in FIGS. 28a-28f

Applicants elect Species 2 for examination on the merits. Applicants further elect Subspecies 4, and further Subspecies 17 for examination on the merits.

### **New Claims**

New claims 58-72 have been added by this Amendment. Claims 58-63 are directed to a gutter catheter for performing annuloplasty, and claims 61-72 are directed to methods of performing annuloplasty using a gutter catheter. Support for claims 58-72 can be found with reference to the Application at page 12, line 34-page 14, line 3; and page 18, lines 9-33. Accordingly, no new matter has been added by new claims 58-72. Applicants submit that new claims 58-60 and 63-72 read on the elected species and subspecies, and claims 64, 67, and 71, and 72 are generic. Applicants hereby respectfully request early and favorable examination on the merits.

**Conclusion**

In view of the foregoing amendments to the claims and the remarks set forth herein, Applicants believe this case is in condition for allowance and respectfully request early and favorable examination of the pending claims. If the Examiner believes any matter requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the issue may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants do not believe that any fees are due in connection with this communication, other than \$525.00 for three-months extension of time. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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